

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Claims 17 and 18 are cancelled. Claims 1-16 and 19-20 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claim 13 was objected to because of an informality. Claim 13 has been amended to correct the informality.

Claims 18, 19 and 20 were rejected under 35 U.S.C. § 112, second paragraph. Claim 18 is cancelled, and claims 19-20 have been amended to correct the informalities.

Turning now to the art rejections, (1) claims 1-3, 5 and 7-10 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hirota (U.S. Patent No. 6,577,806); (2) claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirota in view of Hanai (U.S. Patent No. 6,920,641); (3) claims 6 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirota as applied to claims 1 and 7 and further in view of Lang (U.S. Patent No. 5,164,839); (4) claims 12-15 were rejected as being unpatentable over Hirota and further in view of Breslauer (U.S. Patent No. 6,637,027); (5) claims 1, 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis (U.S. Patent Application Publication No. 2005/0028208) in view of Hirota; and (6) claims 12-13 and 18-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ellis in view of Hirota and further in view of Aguayo (U.S. Patent No. 5,555,015). Claims 17 and 18 are cancelled. Applicants submit that the remaining claims are patentably distinguishable over the cited references.

In each of the above rejections, the Examiner relies on Hirota and contends, for example, that "Hirota discloses a system that is capable of notifying a user when a recording

capacity of a recording medium is low" relying on column 5, lines 14-15. Hirota, however, describes that a threshold value of free disk space is set before recording of a program is carried out, and then after recording is terminated, a message is generated if the free disk space is smaller than the predetermined threshold value. (See Fig. 2, and col.4 l.65 to col.5 l.17.) The relied-on section of Hirota does not disclose or suggest that data amount information regarding the program is received, does not disclose or suggest determining whether there is sufficient space on a recording medium based on data amount information regarding the program, does not disclose or suggest notification when it is determined that the recording medium has insufficient free capacity based on the data amount information, and does not disclose or suggest such notification prior to receiving the program.

By contrast, claim 1 calls for:

a recording unit operable to receive data amount information regarding new content over a first network, to determine whether the current free recording capacity of a recording medium is sufficient to record the new content based on the data amount information regarding the new content, and to receive the new content over the first network and record the new content onto the recording medium when said recording unit determines that the current recording capacity of the recording medium is sufficient to record the new content[.] (Emphasis added.)

For the reasons described above, the cited sections of Hirota do not disclose or suggest receiving data amount information regarding new content and do not disclose or suggest determining whether current free recording capacity of a recording medium is sufficient to record new content based on data amount information regarding a new content. It follows that the cited sections of Hirota do not disclose or suggest the combination defined in claim 1.

Moreover, none of the cited sections of any of the

other references addresses the deficiencies of Hirota. It follows that claim 1 is patentably distinct and unobvious over the cited references.

Claims 2-4 depend from claim 1 and are distinguishable over the cited art for at least the same reasons.

Independent claims 5 and 6 include limitations similar to those set out in claim 1 and, for at least the same reasons, are distinguishable over the cited references.

Independent claim 7 calls for:

a receiver operable to receive, prior to the recording unit receiving the new content, a notification over the first network from the information recording apparatus when the recording unit determines that the recording medium currently has insufficient free capacity to record the new content based on the data amount information regarding the new content[.] (Emphasis added.)

Based on the above description, the cited sections of Hirota do not disclose or suggest receiving a notification prior to receiving new content and do not disclose or suggest determining that a recording medium currently has insufficient free capacity to record new content based on data amount information regarding the new content. Therefore, claim 7 is not anticipated by the cited sections of Hirota. Moreover, none of the relied-on sections of the other cited references remedies these deficiencies. It follows that claim 7 is not rendered obvious by any of the cited sections of the references, whether taken alone or in combination.

Claims 8 and 9 depend from claim 7 and are distinguishable over the cited art for at least the same reasons.

Independent claims 10 and 11 include limitations similar to those set out in claim 7 and, for at least the same reasons, are distinguishable over the cited references.

Independent claim 12 calls for:

a first receiver operable to receive, prior to the recording unit receiving the new content, a first notification transmitted over the first network by the information recording apparatus when the recording unit determines that the recording medium currently has insufficient free capacity to record the new content based on the data amount information regarding the new content[.] (Emphasis added.)

Therefore, claim 12 is patentably distinct and unobvious over the cited references for at least the reasons set out above regarding claims 1 and 7.

Claim 13 depends from claim 12. For at least the same reasons, claim 13 is distinguishable over the cited references.

Independent claims 14 and 15 include limitations similar to those set out in claim 12. Therefore, each of claims 14 and 15 are distinguishable over the cited art for at least the same reasons.

Claims 16 and 19-20 have been amended to depend from claim 7. Each of these claims is distinguishable over the cited references for at least the same reasons as set out above regarding claim 7.

Accordingly, Applicants respectfully request the withdrawal of the Examiner's objection and the withdrawal of the rejections under §§ 102(e), 103(a), and 112, second paragraph.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with

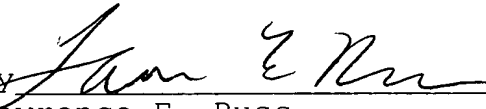
Application No.: 09/930,773

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this requested amendment, the Examiner is authorized to charge  
Deposit Account No. 12-1095 therefor.

Dated: October 31, 2006

Respectfully submitted,

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